



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: McIntyre et al.  
Serial No. 10/526,228  
Filed : November 16, 2005  
For: *Whole Bacterial Cells as Immune Modulator*

Examiner: Swartz, Rodney P  
Group Art Unit: 1645

**Mail Stop Amendment**  
United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

**RESPONSE TO NON-COMPLIANT AMENDMENT**


In response to the Notice of Non-Compliant Amendment mailed April 20, 2007, Applicants herein submit a clean copy of the substitute specification. The previously submitted clean copy of the substitute specification did not provide the proper identifiers for cancelled claim 11 which is indicated as cancelled in the current substitute specification. The clean copy of the substitute specification contains no new matter.

For convenience, Applicants resubmit the previously filed Response and Amendment to the Office Action mailed October 3, 2006. The previously filed claim amendments contained proper identifiers for each claim.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to debit or credit deposit account 19-4293.

Respectfully submitted,

Date: 5-3-07  
**Customer Number: 27890**  
STEPTOE & JOHNSON LLP  
1330 Connecticut Ave., NW  
Washington, DC 20036  
Tel: 202-429-3000  
Fax: 202-429-3902

  
Harold H. Fox  
Reg. No. 41,498



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: McIntyre et al.  
Serial No. 10/526,228  
Filed : November 16, 2005  
For: *Whole Bacterial Cells as Immune Modulator*

Examiner: Swartz, Rodney P  
Group Art Unit: 1645

**Mail Stop Amendment**

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

**REPLY TO ACTION OF OCTOBER 3, 2006**

In response to the Office Action mailed October 3, 2006, Applicants submit the following remarks in this request for reconsideration.